REMARKS/ARGUMENTS

The action by the Examiner of this application, together with the cited references, have been given careful consideration. Following such consideration, claims 1-3, 9, 12-13, and 21 have been amended to define more clearly the patentable invention applicant believes is disclosed herein. Moreover, claims 22-41 have been added. Claims 4-8, 10-11, and 14-20 are unchanged by the present amendment paper. This amendment is presented according to "Revised Amendment Practice" (37 C.F.R. 1.121), effective July 30, 2003. It is respectfully requested that the Examiner reconsider the claims in their present form, together with the following comments, and allow the application.

It should be understood that the term "plates" conventionally refers to the electrical conductors of a capacitor, irrespective of the geometry of the electrical conductors, and is used in the present application in this manner. For improved understanding of the claimed invention, the term "conducting element" has been substituted in the claims for the term "conducting plates."

The Examiner has objected to claims 2 and 3 for some minor informalities. These informalities have been addressed by the present amendment.

The Examiner has rejected claims 1-3, 5 and 13-15 under 35 U.S.C. 102(e) as being anticipated by Matter et al. (U.S. Patent No. 6,614,242). The Examiner has rejected claim 4 as being obvious in view of Matter et al. '242 in view of Philipp, "*Charge Transfer Sensing*." Furthermore, claims 6-12 and 16-21 have been rejected as being obvious over Matter et al. '242 in view of Rounbehler et al. (U.S. Patent No. 5,470,754). It is respectfully submitted that none of the cited references, taken individually or in combination, teaches or suggests the applicant's invention as defined by the present claims.

Matter et al. '242 is directed to a method and a sensor for measuring small oil concentrations in water, where the oil is the contaminant. The sensing device of Matter et al. '242 is used in an application wherein water is pumped back into a body of water (for example the sea) after offshore oil production. As noted in Matter et al. '242, "[a]ccording to statutory provisions, the water pumped back into the sea may have an oil concentration of at most a few 10 ppm." Thus, it is the object of Matter et al. '242 to provide a method and device for measuring small concentrations of oil in water.

In contrast to Matter et al. '242, the independent claims now recite that the fluid, where a contaminant may be present, is "used in a microbial decontamination process." Furthermore, the independent claims require that the fluid be "used to process an article in the microbial decontamination process." Independent claims 1 and 13 further require that the contaminant is "removed from said article during the microbial decontamination process." Independent claims 23 and 34 further require that the contaminant include "a chemical used to effect microbial decontamination during a microbial decontamination process."

It is respectfully submitted that Matter et al. '242 fails to teach or suggest an invention as defined by the independent claims discussed above. In this regard, it is the concentration of oil in water that is being measured in Matter et al. '242. However, oil is not used in a microbial decontamination process. Furthermore, oil (i.e., the contaminant) is not removed from an article during a microbial decontamination process, and the fluid in Matter et al. '242 does not include a chemical used to effect microbial decontamination during a microbial decontamination process.

Rounbehler et al. '754 discloses a method and system for sampling and determining the presence of compounds in materials moving rapidly along a conveyer. The system uses a chemiluminescence analyzer as a means for detecting the presence of such contaminants. However, there is no teaching or suggestion provided in Rounbehler et al. '754 to use a capacitor as a sensing device. Accordingly, Rounbehler et al. '754 uses a significantly different sensing device then that disclosed in Matter et al. '242 and as used in the claimed invention.

The Examiner's rational for combining Matter et al. '242 and Rounbehler et al. '754 is that "the user may prefer to know the presence of a certain contaminants, other than their concentration." It is respectfully submitted that such reasoning does not provide a suggestion or motivation to one skilled in the art to employ aspects of Rounbehler et al '754 in a device as disclosed in Matter et al. '242. As noted above, Matter et al. '242 is directed specifically at a method and a sensor for determining the concentration of oil in an oil production process. In contrast, Rounbehler et al '754 is directed to a method and system for determining the presence or absence of specific substances using a chemiluminescence analyzer. Accordingly, it is

respectfully submitted that there is a lack of motivation or suggestion for one skilled in the art to combine these two references employing different technologies for different purposes.

It is further submitted that the Philipp, "*Charge Transfer Sensing*" publication taken individually or in combination with the other cited references, fails to teach or suggest the applicants invention as presently set forth in the amended claims.

The remaining references are dependent claims which depend from the independent claims discussed above. Accordingly, it is respectfully submitted that these claims are patentable over the cited references for at least the reasons set forth above.

The cited references made of record and not relied upon have also been reviewed. It is respectfully submitted that none of these additional references teaches or suggests the applicant's invention as defined by the present claims.

In view of the foregoing, it is respectfully submitted that the present application is now in proper condition for allowance. If the Examiner believes there are any further matters that need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0537, referencing our Docket No. ST8653.3US.

Respectfully submitted,

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